

REMARKS

The present Amendment amends claims 1, 8-10, 12, 35, 44, and 48-49; cancels claim 7 and 43; and adds claims 58-73. Upon entry of this Amendment, claims 1-6, 8-42, 44-73 will be pending. Accordingly, the application currently presents seventy-one (71) total claims, of which six (6) are in independent form (claims 1, 35, 48, 57, 58, and 68). In light of the newly-added and cancelled claims, Applicant expects claim fees of \$1,100 to be due, of which \$1,050 should be paid with the check enclosed herewith. For the remaining \$50 and any other fees which are deemed necessary following submittal of this Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

In the Office Action, Examiner rejected claims 1, 2, 4, 22-25, 27, and 31-34 under 35 U.S.C. 102(b) as being anticipated by Gessert (U.S. Patent No. 5,924,577). Examiner also rejected claims 13-21, 26, and 28-30 under 35 U.S.C. 103(a) as being unpatentable over Gessert '577 in view of Wishart et al. (U.S. Patent No. 6,739,463). Applicant respectfully traverses the above rejections; however, in order to advance prosecution, Applicant has chosen to make certain amendments to the claims as described below.

In the Office Action, Examiner indicated that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, claim 7 has been canceled and rewritten as a part of amended claim 1. In turn, Applicant asserts that newly amended claim 1 is hereby in condition for allowance. Additionally, claims 8-10 and 12 have been amended to depend on claim 1 instead of cancelled claim 7. Accordingly, the allowance of amended claim 1 thereby renders claims 2-6 and 8-34 also allowable.

In the Office Action, Examiner also indicated that claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 accordingly depends from claim 4, which in turn, depends from claim 1. As such, claims 4 and 5 have been rewritten in combination with previously pending claim 1 to create new claim 58. In turn, Applicant asserts that new claim 58 is hereby in condition for allowance. Accordingly, the allowance of amended claim 58 thereby renders claims 59-67 also allowable.

Applicant has also amended method claim 35 to include the structural features of newly amended claim 1. As such, claim 43 has been canceled and rewritten as a part of amended claim 35. Additionally, claim 44 has been amended to depend on claim 35 instead of cancelled claim 43. Applicant respectfully requests that Examiner consider rejoining newly amended claim 35 and the corresponding dependent claims 36-43 and 45-47 upon finding newly amended claim 1 allowable. In addition, Applicant has amended method claim 48 to include the structural features of new claim 58. As such, claim 49 has been amended based on the features newly included in claim 48. Applicant respectfully requests that Examiner consider rejoining newly amended claim 48 and the corresponding dependent claims 49-56 upon finding new claim 58 allowable.

Applicant's attorney, John S. Parzych, had a telephonic interview with Examiner on April 10, 2006, in which the parties discussed the patentability of claim 14, among others, in light of the cited references. Specifically, Applicant's attorney explained that none of the cited references, used solely or in combination, teach racking systems having a central wall from which separating planks and supporting planks could be mounted *with respect to each other* at distinct heights *as well as* at distinct lateral positions. Such feature of Applicant's invention is

generally provided by claim 14. As such, claim 14 has been rewritten to specifically reflect this feature of the invention and combined with previously pending claim 1 to create new claim 68. Based on the above, Applicant asserts that new claim 68 is hereby in condition for allowance. Accordingly, the allowance of amended claim 68 thereby renders claims 69-73 also allowable. In order to advance prosecution of the application, Applicant's attorney respectfully requests Examiner to phone Applicant's attorney if she finds reason to disagree with the above assertions with respect to new claim 68.

Favorable consideration and prompt allowance of the application are respectfully requested. Applicant believes that no new matter will be introduced by entry of these amendments and that the amendments are fully supported by the specification and application as a whole. Applicant has amended the claims solely to advance prosecution of this application and to obtain the allowance of claims at the earliest possible date. No admission should be inferred by these amendments. Applicant reserves the right to prosecute the originally filed claims in a continuation application.

In light of the above, Applicant submits that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



John S. Parzych
Registration No. 52,097

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7000
Facsimile: (612) 349-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

4013808_1.DOC